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## IN THE UNITED STATES DISTRICT COURT

## DISTRICT OF ALASKA

DAVID AND MARGE BERG,	)
Plaintiffs,	)
vs.	) ) ) A00-151 CV. (JWS)
NORGE CORPORATION, and its successors	)
in interest, FEDDERS CORPORATION, MAGIC CHEF CORPORATION, and	) PLAINTIFF'S MOTION FOR AN ) EXTENSION OF TIME TO FILE
MAYTAG CORPORATION,	<u>) PLAINTIFF'S INITIAL</u> ) DISCLOSURES
Defendants,	) ) )

Comes now Plaintiffs, by and through counsel, and moves the Court for an extension of time to file Plaintiffs' Initial Disclosures. This motion is based on the fact that from October 27, 2005-January 27, 2005, Plaintiff's counsel was involved in preparation for and attending a three week jury trial that commenced on 1/9/06 and ended on 1/27/06. The case was extremely complicated, involved thousands of pages of exhibits, and multimillion dollar claims.

When the trial ended in a settlement on 1/27/06, Plaintiff's counsel was immediately confronted with a deadline for an Alaska Supreme Court brief, that was due on 1/30/06. Plaintiff's counsel got an extension of time and finished and filed the Appellate brief on

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2/13/06. That appeal involved a previous four week trial, with a 2000 page transcript and an appellate excerpt over 1,800 pages long.

After finishing the Appellate brief, Plaintiff's counsel immediately turned his attention to the Initial Disclosures due in this case. The documents to be reviewed in order to adequately provide an initial disclosure number in the thousands of pages. Therefore Plaintiff's counsel respectfully requests the Court grant Plaintiffs an additional 30 days until March 10, 2006 to complete the task.

When the date of February 10, 2006 was agreed to Plaintiff's counsel had no idea the court trial would last so long (it was originally scheduled for 2 weeks and was going into the fourth week when it settled at the end of the third week) or that a Supreme Court brief deadline would fall immediately after the end of the trial.

Plaintiffs' counsel would have filed this request for an extension of time earlier, but extensive trial preparation, prevented him from taking an ECF course prior to February, 2006, and then after taking the course, he had password problems that had to be resolved through the Court's ECF technician.

Plaintiffs' counsel attempted to contact Defendants' counsel Seth Row, to discuss the matter, but was advised he traveling. Defendants should not experience any prejudice due to this delay since no discovery has occurred to date, and Plaintiffs' counsel just received Defendant's initial disclosures which are over 1,000 pages.

DATED THIS 15<sup>th</sup> DAY OF FEBRUARY, 2006.

WALTHER & FLANIGAN 1029 West 3rd Ave., Suite 250 Anchorage, Alaska 99501 Phone 907-279-9999

WALTHER & FLANIGAN
ATTORNEYS FOR PLAINTIFF

ES/ Michael Flanigan

By Michael W. Flanigan ABA #7710114

## **ORDER**

IT IS SO ORDERED.	
DATED	IUDGE U.S. DISTRICT COURT

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of "Motion for Extension of Time" was served electronically this 15th day of February, 2006, on:

Joseph R.D. Loescher Spencer & Loescher, LLC 1326 Tacoma Ave. S., Suite 101 Tacoma, WA 98402

Seth Row Christopher W. Angius Holland & Knight LLP 2300 US Bancorp Tower 111 S.W. Fifth Avenue Portland, Oregon 97204

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